

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN P. SCHOWACHERT,
Plaintiff,
v.
POLLEY,
Defendant.

No. 1:22-cv-1249 JLT BAM (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THE ACTION AS DUPLICATIVE
(Doc. 9)

The assigned magistrate judge screened the complaint and found the claims raised are duplicative of Plaintiff's claims in *Schowachert v. Polley*, Case No. 1:21-cv-01107-HBK. (Doc. 9.) The magistrate judge observed: "Both cases appear to arise out of the same events, involve the same parties, and seek the same relief. To the extent the cases differ, *Schowachert I* includes additional defendants and additional forms of relief, but otherwise encompasses the same claims, defendant, and relief sought in the instant action." (*Id.* at 4.) Therefore, the magistrate judge recommended the action be dismissed as duplicative. (*Id.*)

The court served the Findings and Recommendations on Plaintiff. It provided notice that any objections thereto were to be filed within 14 days of the date of service. (Doc. 9 at 5.) In addition, the Court advised that "failure to file objections within the specified time may result in the waiver of the 'right to challenge the magistrate's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) To date, Plaintiff has not filed

1 objections and the time to do so expired.

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review. Having
3 carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are
4 supported by the record and by proper analysis. Thus, the Court **ORDERS**:

5 1. The Findings and Recommendations issued on October 5, 2022 (Doc. 9), are
6 **ADOPTED** in full.
7 2. This action is **DISMISSED** without prejudice as duplicative.
8 3. The Clerk of the Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: November 7, 2022


12 UNITED STATES DISTRICT JUDGE

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